

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1113**

**Introduced by Assembly Member Yee**  
*(Coauthor: Senator Figueroa)*

February 22, 2005

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An act to amend Sections 4927 and 4937 of the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1113, as amended, Yee. Acupuncturists: ~~scope of practice:~~ diagnosis.

The Acupuncture Licensure Act provides for the licensure and regulation of acupuncturists by the Acupuncture Board. The act authorizes a licensee to practice acupuncture, as defined, and to perform or prescribe the use of oriental massage, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to provide, maintain, and restore health. Existing law makes it a crime to practice acupuncture without a license.

This bill would ~~include in the definition of acupuncture the diagnosis of a person for the purpose of providing acupuncture treatment. The bill would also authorize a licensee to diagnose for the use of performing or prescribing the use of oriental massage, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to promote, maintain, and restore health~~ authorize a licensee to diagnose within his or her scope of practice.

~~By expanding the definition of acupuncture, the unauthorized practice of which is a crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4927 of the Business and Professions  
2 Code is amended to read:

3 4927. As used in this chapter, unless the context otherwise  
4 requires:

5 (a) "Board" means the Acupuncture Board.

6 (b) "Person" means any individual, organization, or corporate  
7 body, except that only individuals may be licensed under this  
8 chapter.

9 (c) "Acupuncturist" means an individual to whom a license  
10 has been issued to practice acupuncture pursuant to this chapter,  
11 which is in effect and is not suspended or revoked.

12 (d) "Acupuncture" means the stimulation of a certain point or  
13 points on or near the surface of the body by the insertion of  
14 needles to prevent or modify the perception of pain or to  
15 normalize physiological functions, including pain control, for the  
16 treatment of certain diseases or dysfunctions of the body and  
17 includes the techniques of electroacupuncture, cupping, and  
18 moxibustion. ~~"Acupuncture" includes the diagnosis of a person~~  
19 ~~for the purpose of providing acupuncture treatment.~~ *moxibustion.*

20 SEC. 2. Section 4937 of the Business and Professions Code is  
21 amended to read:

22 4937. An acupuncturist's license authorizes the holder  
23 thereof:

24 (a) *To diagnose within his or her scope of practice.*

25 (b) *To engage in the practice of acupuncture.*

26 ~~(b) To diagnose for the purposes of, and to perform or~~

1 (c) To perform or prescribe the use of, oriental massage,  
2 acupressure, breathing techniques, exercise, heat, cold, magnets,  
3 nutrition, diet, herbs, plant, animal, and mineral products, and  
4 dietary supplements to promote, maintain, and restore health.  
5 Nothing in this section prohibits any person who does not  
6 possess an acupuncturist's license or another license as a healing  
7 arts practitioner from performing, or prescribing the use of any  
8 modality listed in this subdivision.

9 (e)

10 (d) For purposes of this section, a "magnet" means a mineral  
11 or metal that produces a magnetic field without the application of  
12 an electric current.

13 (d)

14 (e) For purposes of this section, "plant, animal, and mineral  
15 products" means naturally occurring substances of plant, animal,  
16 or mineral origin, except that it does not include synthetic  
17 compounds, controlled substances or dangerous drugs as defined  
18 in Sections 4021 and 4022, or a controlled substance listed in  
19 Chapter 2 (commencing with Section 11053) of Division 10 of  
20 the Health and Safety Code.

21 (e)

22 (f) For purposes of this section, "dietary supplement" has the  
23 same meaning as defined in subsection (ff) of Section 321 of  
24 Title 21 of the United States Code, except that dietary  
25 supplement does not include controlled substances or dangerous  
26 drugs as defined in Section 4021 or 4022, or a controlled  
27 substance listed in Chapter 2 (commencing with Section 11053)  
28 of Division 10 of the Health and Safety Code.

29 ~~SEC. 3. No reimbursement is required by this act pursuant to~~  
30 ~~Section 6 of Article XIII B of the California Constitution because~~  
31 ~~the only costs that may be incurred by a local agency or school~~  
32 ~~district will be incurred because this act creates a new crime or~~  
33 ~~infraction, eliminates a crime or infraction, or changes the~~  
34 ~~penalty for a crime or infraction, within the meaning of Section~~  
35 ~~17556 of the Government Code, or changes the definition of a~~  
36 ~~crime within the meaning of Section 6 of Article XIII B of the~~  
37 ~~California Constitution.~~